

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TONY BURTON,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, *et al.*,

Defendants.

No. 4:22-CV-00820

(Chief Judge Brann)

ORDER

AND NOW, this 14th day of September 2022, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motion (Doc. 4) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) is **GRANTED**.
2. Plaintiff's complaint (Doc. 1-1) is **DISMISSED** for failure to state a claim upon which relief may be granted, as follows:
 - a. Plaintiff's Section 1983 claims are **DISMISSED** with prejudice.
 - b. Plaintiff's state-law tort claims are **DISMISSED** without prejudice as barred by state statutory sovereign immunity, and thus leave to amend is denied.
3. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge